863.

SUPREME COURT OF THE UNITED STATES.

No. 63.

RICHARD RAYNAL KEENE,

VERSUS

WARREN, WHITTAKER, ET AL.

INDEX.

	Original.	*Print*
Statement of facts argued upon by the parties, to be sent up to the Supreme Court, U. S.	1	3
Petition for a Writ of Error.	4	4

Langtree & O'Sullivan, Print.

UNITED STATES CIRCUIT COURT, *for the 9th Judicial Circuit and Eastern District of Louisiana.*

RICHARD RAYNAL KEENE,
vs.
WARREN, WHITTAKER, ET AL.

The facts of this case, as set forth in the record, and agreed upon by the parties to be sent up by writ of error to the Supreme Court of the United States for their adjudication, are as follows:

In the year 1804, a grant, or sale of 30,000 arpents of land, was made or consummated by Don Juan Ventura Morales, a Spanish intendant, in the name, or under the authority of Spain, to Gelberto Andry. The whole of that land is situated in the section of country that is comprised within the 31st degree of north latitude, and the Iberville and the Island of Orleans, north & south, and the rivers Perdido and Mississippi, east and west; and was sold by Andry to Daniel Clark. This land was laid off into 13 parcels or subdivisions; and on the 14th day of September, 1807, Clark, thro' his agent or attorney in fact, Richard Rilfe, for and in consideration of the sum of ten thousand dollars, the receipt whereof was duly acknowled, sold by notarial act to Richard Raynal Keene, the parcel or subdivision No. 6, of the lands referred to, consisting of nine hundred and fifty-seven acres, situated on the eastern bank of the *Bayon del Bosque Roxo*, or Redwood creek, near its confluence with the Comite, and gave to Keene a general warranty or absolute guaranty for the same. Subsequently to Clark's sale to Keene, the United States took possession of the section of country before named, claiming it as part of Louisiana; and from them, the defendants in this suit, Warren, Whittaker, Louisa Wade, R. W. Newport, C. Cunningham, G. Dougherty, and Francis Marks, in different portions as exhibited in an authentic diagram, or plan of survey of the same, derive title to the subdivision No. 6, sold to Keene, and hold possession of it. The plaintiff, a citizen of Mississippi, bro't his suit for the restitution of the land in question, sold to him by Clark, resting his claim thereto on the Spanish title derived from Morales, whilst Spain exercised jurisdiction over the section of country in which it is situated; and the defendants, citizens of Louisiana, resisted that claim, on the ground that that section of country formed part of Louisiana, which Spain ceded to France in 1800, and France ceded to the United States in 1803.

We, the undersigned parties, agree that the preceding statement of facts shall go up to the Supreme Court of the United States to be

acted upon by them, for the affirmation or reversal of the judgment rendered in the premises, by the circuit court aforesaid, on the twenty-seventh of November, eighteen hundred and thirty-eight.

(Signed.) RICHARD RAYNAL KEENE,
(Signed.) S. P. ANDREWS,
Att'y for Defts.

CLERK'S OFFICE, U. S. CIRCUIT COURT,
9th Circuit, Eastern District of Louisiana.

[SEAL.] I hereby certify the foregoing to be a true copy of the original on file in this office. New Orleans, 3d December, 1838.

JNO. WINTHROP,
Clerk.

TUESDAY, *November 27th*, 1838.

R. R. KEENE
vs.
W. WHITTAKER ET AL.

The court having maturely considered this case, do order, adjudge, & decree, that judgment be entered for the defendant and against the plaintiff, and that they recover their costs to be taxed.

Judgment signed December 5th, 1838.

(Signed) P. K. LAWRENCE,
U. S. Judge.

CLERK'S OFFICE, U. S. COURT, 9TH CIRCUIT & EASTERN DISTRICT OF LOUISIANA.

New Orleans, December 5th, 1838.

[SEAL.] I hereby certify that the foregoing is a true copy of the judgment in this case, rendered on the day & year aforesaid.

JNO. WINTHROP,
Clerk.

To the Honorable the Circuit Court of the United States, for the 9th Judicial Circuit and Eastern District of Louisiana.

The petition of Richard Raynal Keene, respectfully sets forth, that a suit instituted by this petitioner against W. Whittaker et al. in this honorable court, judgment was rendered against your petitioner on the 27th day of Nov'r, 1838, wherein, as your petitioner is advised, there is error; therefore your petitioner prays that a writ of error be allowed for taking this case up to the Supreme Court of the United States for their definitive adjudication in the same, &c.

(Signed) R. R. KEENE.

Be it so, on the petitioner giving bond and security as required by law, in the sum of two hundred dollars.

(Signed.) P. K. LAWRENCE,
U. S. Judge.

CLERK'S OFFICE, U. S. CIRCUIT COURT,
9th Circuit, & Eastern Distiict of Louisiana.

[SEAL.] I hereby certify the foregoing to be a true copy of the original on file in this office.

JNO. WINTHROP,
Clerk.

New Orleans, 5*th Dec.*, 1838.